

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

South WESTERN DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)

Michael Stacy

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

James Egan

Rod Hackathorn

Crist Hrdley

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

Complaint for Violation of Civil
Rights

(Prisoner Complaint)

18-3192-CV-S-RK-P

Case No.

(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☐ Yes ☒ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Michael Stacy

All other names by which you have been known:

ID Number

Current Institution

Address

Taney county Jail

Po Box 1005

Forsyth, mo 65653

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

James Egan

Job or Title
(if known)

Assistant Public Defender

Shield Number

Employer

Address

Missouri State Public Defenders Office

630 N. Robberson

Springfield mo 65806



Individual capacity



Official capacity

Defendant No. 2

Name

Rod Mackathorn

Job or Title
(if known)

District Defender

Shield Number

Employer

Missouri State public defenders office

Address

630 N Robberson

Springfield mo 65806



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Defendant No 3

Christ Hadley

Public Defender

Missouri State Public Defender's Office

630 N Roberson

Springfield MO 65806

☒ Individual capacity

☒ Official capacity

II
B

Rights Violated

- ① right to Due process
- ② right to Assistance of counsel
- ③ right fair trial
- ④ right to Equal protection of the law
- ⑤ Failure to train
- ⑥ Failure to execute duties
- ⑦ Discrimination
- ⑧ Fraud

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached

Statement of Claim

On or about 3-30-17 I was appointed James Egan a public defender out of the Springfield office. From the start Egan has completely neglected me as a client as well as my case. I never saw James Egan until the day of my preliminary hearing in which we discuss and he informs me that the prosecution has a deal on the table to waive my right to a preliminary. I explain to Egan that I'm going to trial and I wish to invoke my right to a preliminary hearing for the purpose of collecting witness statements and the possibility to show the judge that there isn't any probable cause to hold me in custody.

I explained that under one circumstance would I waive my preliminary hearing and that was if the prosecution put a 120 on the table. 30 minutes later I was brought to court Mr Egan never came over and spoke to me until I waited for my name to be called, when my name was called James Egan stated that we were waiving our preliminary I walk to the podium where the judge begins to ask me if I understood that I'm waiving my preliminary and what that means. Up to this point with what was spoken before court and I making it perfectly clear that I wanted my preliminary and making it clear what would have to be offered for me to waive it. On top of the fact that James Egan had about 15 min to come over and let me know that the prosecution weren't planning on putting the 120 on the table and to consult with me what I wanted to do and if I still wanted my preliminary. I tell the judge Yarnell that I understood my right and yes I waive it.

Though I'm skeptical even after everything Egan has disclosed to me says that there's a 120 on the table I ask him anyway "So they went for the 120?" and Egan says to me NO but he's working on it. I attempt to complain but the bailiffs usher me out the court room.

I don't see Egan until my next court date where I tell him that I'm not happy with how he is representing me and that I want to get a different public defender Mr Egan tells me that I can't get a different public defender

and that I'm stuck with him and my only other option is to represent myself or hire a private Attorney. I ask James Egan why I can't get another public defender and he tells me just because and that he had spoke to his colleagues about some specifics that I told him about my case and now they don't want to represent me. Even if I could get another lawyer. So at this point I go off of his word and let him know that I'll just represent my self since its my only option. So he asks to be allowed to withdraw because I want to represent my self. At this point I have 3 cases and am forced to Explain on the record in open court how James Egan took it upon his self to remove my preliminary without my consent how he has neglected my case and has used deceit to do it. Well after to represent my self in Judge Williams court she explains to me that I can't specifically choose what public defender I want but I could possibly get appointed another one. But after James Egan telling Judge Williams that I could not have another public defender after Williams inquiry into the subject I decided to believe it so I continued to represent my self.

Shortly after being allowed to represent my self my law library rights were taken from me and I was force to continue representing my self with out any legal material or knowledge. So after having several motions denied and subpoenas squashed due to not knowing how to file and present them I attempted to apply for a another public defender thinking that I'll just request one in one of my cases just need I'm given Mr Egan again next thing I know James Egan had entered in all my cases again so I start writing letters to the judge trying to get rid of him again. Now I'm forced to go through the process of getting rid of him again out of all 3 cases. I realize at the 2nd case that Mr Egan is asking to be allowed to withdraw and that its different than me asking to fire James Egan so I make it clear to judge Williams that I want to fire James Egan and why at this point Judge Williams allows me to fire Egan and proceed how I please. At this time I determine that I'm going to try to hire a lawyer due to the situation with my law library in with I'm granted the opportunity to do so. But now I'm forced to fire Egan out of my last case but Judge Egan

refused to allow me to get rid of Egon and made me keep him even though it had been established that due to James Egon's conduct he was removed or "fired" out of my case.

From this point I began writing letters to the judge explaining what Egon has done in my case and furthermore what he had not done.

I wrote letters of complaint to the Director in Jefferson City explaining my situation and I began investigating how to get appointed a different Attorney. After a in-depth investigation into the commission of public defenders and the rules and policies I established that there isn't a policy or rule that says that a client can't get appointed to another public defender and it's actually the practice of the other jurisdictions of offices that a new Public Defender is appointed under specific circumstances as an hire.

After several letters I am met by a Christ Healtly out of the Springfield office and he confirms after a short meeting that there isn't a policy or rule but rather it's something he has specifically implemented to the Springfield office not to appoint a new public defender no matter the circumstances. He explained to me that he is the person in charge of appointing the clients to the Assistant public defenders and he will not appoint me a different one because if he lets me do it then everyone that will think they can just change there public defender if they don't like the one they got and it would cause caos. He stated that the judge has no say over the matter and for me to quit asking or writing complaints. The fact that I've been incarcerated for 14 months and all James Egon has done is deprive me of my rights and completely and utterly Neglect my case refuse to even collect any information about my case from me no witnesses or even meet with me to get Evidence to investigate.

James Egon can not represent me and my case to a jury by going off of just the reports that come in the discovery that's provided by the prosecution. He refuses to attempt to suppress inadmissible Evidence or even take the time to study my case. he doesn't exercise care, skill, or learning in presenting my case. there's absolutely no way I can receive a fair trial with his conduct. James Egon also refuses to make the courts aware

that there is a significant conflict of interest in his representation and his professional code of conduct is nonexistent.

I've wrote his Supervisors Rod Hackett and Explaining the situation with James Egan and they have refused to address the issues or correct James Egan's conduct they are directly responsible for the continuation of his misconduct.

Furthermore I have spoke to several of James Egan's prior clients who has expressed that the gross Negligence, Culpable ignorance, and utter lack of care, learning and practice of law as well as similar Deception and Fraudulent acts where disguised towards them as clients and in there cases as well.

Relief

- ① I'm asking the courts to direct the defendants in this case to provide the funds to hire a competent Attorney of my choice that is not directly connected or under the Authority of the defendants in this case.
- ② I'm requesting to be relieved of this representation that's being provided by James Egan and to be appointed a none bias lawyer that has no ties or is under any direct or indirect influence of the public defenders office.
- ③ I'm asking for punitive damages for the amount of \$150,000 for the extreme mental anguish and psychological stress of thinking I'm going to be forced to go to trial with absolutely no defence what so ever due to the gross negligence.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See Attached

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒
☐

Yes
No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Taney County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒
☐
☐

Yes
No
Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐
☒
☐

Yes
No
Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐
☒

Yes
No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐
☒

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? (*Attach a copy of your grievance, if available*)

3. What was the result, if any? (*Attach a copy of any written response to your grievance, if available*)

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (*Describe all efforts to appeal to the highest level of the grievance process.*)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Public Defender's office and Attorney conduct
not a grievable issue at the jail where housed

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Rod Heckethorn Apr 3/18 and 4/18 by mail, No response
Director of the Missouri Public Defenders Apr 3/18-4/18 by mail, No response
Notice of claim to risk management Department Apr 3/18 No response
Taney county courts several times verbally and by mail

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Addressed the courts with several letters as well as
hearings.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐
☒

Yes
No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes
☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes
☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?



Yes



No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?



Yes



No *(If no, give the approximate date of disposition):*

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 15th, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code

Michael Story

Michael Story

27972

B Box 1005 TCN

Forsyth MO 65653

Michael Stacy
P.O. Box 1005
Forsyth mo
65653

REC'D JUN 19 2018

Court's Clerk
Clerk's Office
222 John & Hammons Pkwy
Springfield mo
65806

CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY

